



P.O. Box 4186  
San Rafael  
California 94913-4186

Phone: 415/499-6570  
Fax: 415/499-3799

[www.tam.ca.gov](http://www.tam.ca.gov)

**Belvedere**  
Jerry Butler

**Corte Madera**  
Melissa Gill

**Fairfax**  
Lew Tremaine

**Larkspur**  
Joan Lundstrom

**Mill Valley**  
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Steve Kinsey  
Charles McGlashan  
Cynthia Murray

September 22, 2005

**TO:** Transportation Authority of Marin Commissioners

**FROM:** Dianne Steinhauser, Executive Director

**RE:** Regional Measure 2 Project - Cal Park Hill Tunnel Rehabilitation and Pathway Improvements, Cooperative Funding Agreement No. A-FY05/06-008 (FA) with the County of Marin – Agenda Item 5.f

Dear Commissioners:

At the June 23, 2005 meeting, TAM adopted a resolution affirming the update of the Initial Project Report and authorized the Executive Director to request a FY05/06 allocation from the Metropolitan Transportation Commission (MTC) to fund a portion of the project management costs and continuing engineering design services for the Cal Park Hill Tunnel project.

The MTC approved the Initial Project Report and the allocation request at the July 27<sup>th</sup> Commission meeting. This is now TAM's third allocation request related to the Regional Measure 2 funding program intended to promote congestion relief projects within the Highway 101/580 Greenbrae corridor.

The County of Marin will be the implementing agency for the Cal Park Hill Tunnel Project while TAM's role is the project sponsor. In order to allow for the transfer of funds from the MTC to the County of Marin, TAM will need to enter into a Cooperative Funding Agreement with the County. According to the RM2 Policies and Procedures, the implementing agency and project sponsor are required to expend funds in advance and then request reimbursement from the MTC. As the implementing Agency, the County will Contract with the consulting engineering firm to design the project and prepare construction documents, while TAM will provide administrative project management services and oversight.

### **Recommendation**

1. Approve the attached Cooperative Funding Agreement between TAM and the County of Marin.

Attachments: Cooperative Funding Agreement No. A-FY05/06-008 (FA)

### **Making the Most of Marin County Transportation Dollars**

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**COOPERATIVE FUNDING AGREEMENT NO. A-FY05/06-008 (FA)**

**BETWEEN  
THE TRANSPORTATION AUTHORITY OF MARIN  
AND  
THE COUNTY OF MARIN**

This Agreement is made and entered into as of this day \_\_\_\_\_, by and between the **COUNTY OF MARIN** hereinafter referred to as “**COUNTY**” and the **TRANSPORTATION AUTHORITY OF MARIN** herein referred to as “**TAM.**”

**RECITALS**

- 1) On March 2, 2004, voters approved Regional Measure 2, increasing the toll for all vehicles on the seven state-owned toll bridges in the San Francisco Bay Area by \$1.00, with this extra dollar funding various transportation projects within the region that have been determined to reduce congestion or to make improvements to travel in the toll bridge corridors, as identified in SB 916 (Chapter 715, Statutes of 2004), commonly referred as Regional Measure 2 (“RM2”).
- 2) RM2 establishes the Regional Traffic Relief Plan and lists specific capital projects and programs and transit operating assistance eligible to receive RM2 funding as identified in Streets and Highways Code Sections 30914(c) & (d).
- 3) MTC adopted policies and procedures for the implementation of the RM2 Regional Traffic Relief Plan on June 23, 2004, as amended on November 17, 2004, specifying the allocation criteria and project compliance requirements for RM2 funding (MTC Resolution No. 3636).
- 4) TAM serves as the Marin County Congestion Management Agency and is an eligible project sponsor.
- 5) Cal Park Hill Tunnel Rehabilitation and Pathway Improvements is identified as capital project number 11.3 under RM 2 and is eligible to receive RM 2 funding as identified in Streets and Highways Code Sections 30914(c).
- 6) TAM has submitted a request for the allocation of RM 2 funds for the Cal Park Hill Tunnel Rehabilitation and Pathway Improvements.

- 7) TAM does not own any facilities in the area and is merely providing RM2 funding for work proposed by the County.
- 8) Attachment A-3 to this Agreement, attached hereto and incorporated herein as though set forth at length, lists the project and phase for which the Transportation Authority of Marin has requested RM2 funding and the reimbursement schedule and amount recommended for allocation.
- 9) Attachment B-3 to this Agreement, attached hereto and incorporated herein as though set forth at length, lists the required project specific conditions, which must be met prior to execution of the allocation and any reimbursement of RM2 funds.
- 9) Attachment C-3 to this Agreement, attached hereto and incorporated herein as though set forth at length, includes MTC staff's review of the Transportation Authority of Marin's Initial Project Report (IPR) for this project.
- 10) Attachment D-3 attached hereto and incorporated herein as though set forth at length, lists the cash flow of RM2 funds and complementary funding for the deliverable/useable RM2 project segment.

NOW, therefore, as a valuable consideration the parties hereto agree as follows:

1. The forgoing recitals are true and correct.
2. TAM Agrees:
  - a. To request RM2 funds in an amount of \$200,000 as set forth in attachment A-3, providing for up to \$125,000 reimbursement to the COUNTY in accordance with the provisions of RM2 Regional Traffic Relief Policy and Procedures. TAM will submit request for reimbursement to the MTC within ten (10) working days upon receipt from the COUNTY.

3. County Agrees:

- a. To implement the project in accordance with the provisions of RM2 Regional Traffic Relief Policy and Procedures as further described in attachment A-3;
- b. The reimbursement of RM2 funds are further conditioned upon the project specific conditions as set forth in Attachment B-3;
- c. Provide all necessary documentation in accordance with RM2 Regional Traffic Relief Policy and Procedures;
- d. Obtain all necessary permits;
- e. Comply with all applicable provisions of Local, State, and Federal Law;
- f. Submit a final invoice, including supporting documentation, at the conclusion of the project. The COUNTY may invoice TAM for eligible expenses as frequently as monthly;

4. It is Mutually Agreed:

- a. This Agreement shall terminate upon completion of this phase of the project and after final reimbursement to the COUNTY by TAM, or on December 31, 2008, whichever is earlier in time.
- b. The COUNTY shall indemnify and hold harmless TAM, its Commissioners, officers, agents and employees from any and all claims, demands, injury, and/or liability, direct or indirect, incurred by reason of any act or omission of COUNTY, its officers, agents, employees, and sub-contractors, under or in connection with the RM2 program and this funding agreement. COUNTY agrees at its own cost, expense, and risk, to defend any and all claims, actions, suits, or other legal proceedings brought or instituted against TAM, its Commissioners, officers, agent, and employees, or any of them, arising out of such act or omission, and to pay and satisfy any resulting judgments.
- c. The TAM shall indemnify and hold harmless COUNTY, its Commissioners, officers, agents and employees from any and all claims, demands, injury, and/or liability, direct or indirect, incurred by reason of any act or omission of TAM, its officers, agents, employees,

and sub-contractors, under or in connection with the RM2 program and this funding agreement. TAM agrees at its own cost, expense, and risk, to defend any and all claims, actions, suits, or other legal proceedings brought or instituted against COUNTY, its Commissioners, officers, agent, and employees, or any of them, arising out of such act or omission, and to pay and satisfy any resulting judgments.

COUNTY OF MARIN

TRANSPORTATION AUTHORITY OF MARIN

By \_\_\_\_\_  
President,  
Board of Supervisors

By \_\_\_\_\_  
Chair,  
Transportation Authority of Marin

Approved as to legal form and content:

By \_\_\_\_\_  
Legal Counsel

By \_\_\_\_\_  
Legal Counsel

Program: Regional Measure 2  
Project No: 11.3  
Project Title: Cal Park Hill Tunnel Rehabilitation and Bikeway  
Agency: Transportation Authority of Marin

July 27, 2005  
W.I.: 1255  
Referred by: PAC

Attachment A-3  
MTC Resolution No. 3649  
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**REGIONAL MEASURE 2  
Deliverable/Useable Segment  
Allocation of Regional Measure 2 Funds**

Allocation No. 11.3-1						
Activities to be funded with Allocation #1:						
Allocation will fund design work for the rehabilitation of the Cal Park Hill Tunnel and construction of a pathway within the railroad right-of-way to provide bicycle/pedestrian improvements to connect the San Rafael Transit Center in downtown San Rafael and the Larkspur Ferry Terminal in Larkspur. The project includes the rehabilitation of the existing and partially collapsed 1,100 foot long Cal Park Tunnel for the dual use of future rail and a pedestrian pathway, and the use of the existing 72 foot long Auburn Street timber railroad trestle or a new pathway structure adjacent to it.						
Funding Information for Allocation #1:						
Allocation Instruction No.	Approval Date	Amount	Phase	Reimbursement Year	Cumulative Total To Date	
05364903	27-Jul-05	\$ 200,000	PSE	FY 2005-06	\$	200,000

Date: July 27, 2005  
W.I.: 1255  
Referred by: PAC

Attachment B-3  
MTC Resolution No. 3649  
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**REGIONAL MEASURE 2**  
**Project Specific Conditions**  
**Cal Park Hill Tunnel Rehabilitation and Bikeway**  
**RM2 Project No. 11.3**

Lead Sponsor: Transportation Authority of Marin  
Project Title: No. 11.3 - Cal Park Hill Tunnel Rehabilitation and Bikeway

The allocation and reimbursement of RM2 funds for the above project are conditioned upon the following :

1. Approval of the allocation package by the Transportation Authority of Marin Board of Directors. The allocation package consists of the Initial Project Report (IPR), resolution of project compliance, environmental clearance documentation, and opinion of legal counsel.
- 2 The Transportation Authority of Marin may invoice MTC for eligible expenses as frequently as monthly, in accordance with the cash flow plan.

# Regional Measure 2 Regional Traffic Relief Plan

July 27, 2005  
MTC Resolution No. 3649  
Attachment C-3

RM2 Project Number: 11.3

## Cal Park Hill Tunnel Rehabilitation and Bikeway

<b>Lead Sponsor</b> Transportation Authority of Marin	<b>Other Sponsors(s)</b> N/A	<b>Implementing Agency (if applicable)</b> Marin County
<b>Legislated Project Description</b> Greenbrae Interchange/Larkspur Ferry Access Improvements. Provide enhanced regional and local access around the Greenbrae Interchange to reduce traffic congestion and provide multimodal access to the Richmond-San Rafael Bridge and Larkspur Ferry Terminal by constructing a new full service diamond interchange at Wornum Drive south of the Greenbrae Interchange, extending a multiuse pathway from the new interchange at Wornum Drive to East Sir Francis Drake Boulevard and the Cal Park Hill rail right-of-way, adding a new lane to East Sir Francis Drake Boulevard and rehabilitating the Cal Park Hill Rail Tunnel and right-of-way approaches for bicycle and pedestrian access to connect the San Rafael Transit Center with the Larkspur Ferry Terminal. Sixty-five million dollars (\$65,000,000). The project sponsor is Marin County Congestion Management Agency.		
<b>RM2 Legislated Funding (in \$1,000)</b> Total Overall Funding: \$65,000 11.1 U.S. 101 Greenbrae Interchange Improvements (\$48,948) 11.2 Sir Francis Drake Blvd. Widening (\$429) <b>11.3 Cal Park Hill Tunnel Rehabilitation and Class 1 Bikeway (\$7,092)</b> 11.4 Central Marin Ferry Access Improvement		<b>Total Estimated Project Cost (in \$1,000)</b> \$19,900
<b>Project Purpose and Description</b> This project is to rehabilitate the Cal Park Hill Tunnel and construct a pathway within the railroad right-of-way to provide bicycle/pedestrian improvements to connect the San Rafael Transit Center in downtown San Rafael and the Larkspur Ferry Terminal in Larkspur. A graded bench will be created adjacent to the new pathway to provide a sufficient cross-section to accommodate future rail service operations (this project element will be funded by Sonoma-Marina Area Rail Transit (SMART) using their RM2 allocation).		
<b>Funding Description</b> Committed Funds: RM2 - \$7,092,000; State Bicycle Transportation Account - \$908,000; State Transportation Enhancements - \$3,000,000; MTC Transportation for Livable Communities - \$1,500,000 Uncommitted Funds: Operating Capacity: The project will be maintained by the County of Marin.		

### Overall Project Cost and Schedule

Phase	Scope	Start	End	Cost (in \$1,000)
1	Final Environmental Document (CEQA)	08/2001	08/2001	\$645
2	Plans, Specifications and Estimates	05/2004	07/2005	\$2,663
3	Right-of-Way	10/2005	12/2006	\$150
4	Construction	05/2007	12/2008	\$16,442
<b>Total:</b>				<b>\$19,900</b>



# Total Project Funding Plan: Committed and Uncommitted Sources

(Amounts Escalated in Thousands)

Project Title	Cal Park Tunnel Rehabilitation and Bikeway	Project No. 11.3									
Lead Sponsor	Transportation Authority of Marin										
Fund Source	Phase	Prior	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	Future	Total	
Committed											
BTA	ENV	550	50	45						645	
BTA	PSE			263						263	
State TE	PSE			800	400					1,200	
RM2 (SMART)	PSE			600	400					1,000	
RM2	PSE			160	40					200	
RM2	ROW				150					150	
State TE	CON				800	1,000				1,800	
RM2	CON					6,742				6,742	
RM2 (SMART)	CON					6,400				6,400	
TLC	CON					1,500				1,500	
Total:		550	50	1,868	1,790	15,642	0	0	0	19,900	
Uncommitted											
										0	
										0	
										0	
Total:		0	0	0	0	0	0	0	0	0	
Total Project Committed and Uncommitted											
		Prior	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	Future	Total	
Total:		550	50	1,868	1,790	15,642	0	0	0	19,900	

**REGIONAL MEASURE 2**  
**Cal Park Tunnel Rehabilitation and Bikeway**  
**Transportation Authority of Marin**  
**Deliverable/Useable Segment**

July 27, 2005  
Attachment D-3  
MTC Resolution No. 3649  
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**Cash Flow Plan**

As Adopted July 27, 2005

RM2 Project #11.3	PRIOR	FY 2004-05	FY 2005-06	FY 2006-07	FY 2007-08	FY 2008-09	TOTAL
<b>RM2 Funds Total</b>	-	-	-	-	-	-	-
Environmental (ENV)	0	0	0	0	0	0	0
							0
							0
							0
							0
							0
<b>Final Design (PS&amp;E)</b>	0	0	160,000	40,000	0	0	200,000
PSE			160,000	40,000			200,000
							0
							0
							0
							0
<b>Right of Way</b>	0	0	0	0	0	0	0
							0
							0
							0
							0
<b>Construction</b>	0	0	0	0	0	0	0
CON							0
							0
							0
							0
<b>TOTAL FUNDING</b>							
Environmental	0	0	0	0	0	0	0
Final Design (PS&E)	0	0	160,000	40,000	0	0	200,000
Right of Way	0	0	0	0	0	0	0
Construction	0	0	0	0	0	0	0
<b>PROJECT TOTAL</b>	0	0	160,000	40,000	0	0	200,000